

SENATOR SCHMIT: Mr. President and members, I will try to be brief in line with the advice of our Speaker, and I will just tell you at the outset that LB 953 is a bill which was introduced and the purpose of its introduction was to provide a method for cancelling an instream flow appropriation. Mr. David Aiken, who is well known for his interest in water matters, did not like Section 1 of the bill and advised Senator Landis of his concern. Senator Landis and I discussed it, and, in my opinion, the instream appropriation is better protected with my language than with the language that Mr. Aiken found objectionable. However, in discussion with Senator Landis, we agreed that I would offer an amendment to strike Section 1 of the bill, and that will leave the language which will provide that the instream appropriation can be stricken by the current law which provides, in my opinion, more restrictive language than in my amendment. But in this, under my amendment, the instream appropriation can be cancelled for only one reason, and that was water quality degradation, and even then it must be shown that the water quality problem is a permanent problem. Under the Schmit amendment also, the Director of Water Resources will be barred from adjudicating the instream appropriations more than once in a three-year period. Under the Aiken amendment, an instream flow appropriation could be cancelled if it is not put to a beneficial use for three years, unless it is covered by as many as eight separate exceptions for nonuse. I want to add, this language, again, I want to be sure you understand, Mr. Aiken prefers the bill with Section 1 stricken, and I have agreed to strike that amendment, and Senator Landis has agreed that he will support the bill with Section 1 stricken, and if we have any concerns, we will come back next year and work on instream flow appropriations again. I would move for the adoption of the amendment.

PRESIDENT: Thank you. Senator Landis, please.

SENATOR LANDIS: Only to add that it is exactly as Senator Schmit stated with this amendment. I have no other objections to the bill. I will be happy to vote for its advancement and its passage on Final Reading. Thank you.

PRESIDENT: Thank you. The question is the adoption of the Schmit amendment. All those in favor vote aye, opposed nay. Please vote. Record, Mr. Clerk, please.